

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	
	§	CASE NO. 10-11842-HCM
LAVISTA PARTNERS, L.P.	§	
	§	CHAPTER 7
DEBTOR.	§	

**APPLICATION OF TRUSTEE TO EMPLOY C. DANIEL ROBERTS & ASSOCIATES,
P.C., AS GENERAL COUNSEL *NUNC PRO TUNC* TO MAY 24, 2011**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO
YOUR INTERESTS. IF NO TIMELY RESPONSE IS FILED WITHIN
TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE, NO HEARING
WILL BE HELD AND THE RELIEF REQUESTED IN THE MOTION MAY
BE GRANTED WITHOUT A HEARING BEING HELD. A TIMELY FILED
RESPONSE IS NECESSARY FOR THE HEARING TO BE HELD.**

TO THE HONORABLE H. CHRISTOPHER MOTT, U.S. BANKRUPTCY JUDGE:

COMES NOW, C. Daniel Roberts, Trustee ("Trustee"), the duly qualified and acting chapter 7 trustee in the above captioned and numbered bankruptcy case ("Bankruptcy Case"), to file this Application of Trustee to Employ C. Daniel Roberts & Associates, P.C., as General Counsel *Nunc Pro Tunc* to May 24, 2011 ("Application"), and would respectfully show the Court as follows:

1. LaVista Partners, L.P. ("Debtor") filed a chapter 11 case on July 2, 2010. The Bankruptcy Case was converted to a chapter 7 case on April 4, 2011, at which time the undersigned was appointed as the chapter 7 trustee.
2. Trustee has determined that the services of an attorney will be required with regard to various legal matters, including but not limited to pending litigation in bankruptcy court and state court, as well as the sale of bankruptcy estate assets by Trustee.
3. Trustee would further show that C. Daniel Roberts of the law firm of C. Daniel Roberts & Associates, P.C. ("Attorney"), with offices at 1602 East Cesar Chavez, Austin, Texas,

78702, telephone (512) 494-8448, fax (512) 494-8712, email droberts@cdrlaw.net are qualified to act as general counsel for the estate.

4. Trustee would further show that Attorney neither represents nor holds any interest adverse to the estate in the matters in which it is to be engaged as general counsel.

5. No other professionals in the same profession have been previously employed pursuant to court order in this Bankruptcy Case.

6. Trustee believes that Attorney should be employed and compensated at the rate of \$375.00 per hour, all associate time at the rate of \$225.00 and all paralegal time at the rate of \$90.00 per hour, plus costs and expenses incurred. All charges for fees and expenses are subject to review by the Court, and it is specifically provided that payment of any compensation and expenses shall only be by and upon order of this Court.

7. Pursuant to the Bankruptcy Local Rules, applications to employ are automatically *nunc pro tunc* for 30 days, which would make the effective date of employment June 22, 2011. Trustee has requested that the order granting the Application be effective as of May 24, 2011, which is the date Attorney was engaged by Trustee. On or about that date, Trustee became aware that there were pending deadlines relating to Adversary No. 10-1162, in which the Debtor had asserted causes of action as Intervenor. Attorney immediately began representing Trustee but an application to employ counsel was not filed at the time because Attorney's attention was directed at the pending issues which had immediate deadlines, and not because of any conscious disregard for the Bankruptcy Code and Rules.

WHEREFORE, PREMISES CONSIDERED, Trustee prays that he be granted authorization to employ C. DANIEL ROBERTS & ASSOCIATES, P.C., as counsel for the estate, *nunc pro tunc*

to May 24, 2011, and for any such further relief, both general and special, legal and equitable, to which Trustee may show himself justly entitled.

Respectfully submitted,

/s/ C. Daniel Roberts

C. Daniel Roberts
1602 East Cesar Chavez
Austin, Texas 78702
Telephone: (512) 494-8448
Facsimile: (512) 494-8712
Email: droberts@cdrlaw.net

CHAPTER 7 TRUSTEE

AFFIDAVIT OF C. DANIEL ROBERTS

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

I, C. Daniel Roberts, do state under penalty of perjury that I am President of C. DANIEL ROBERTS & ASSOCIATES, P.C. ("Firm") and that the Firm:

(A) neither represents, nor holds an interest adverse to the debtor or to the estate in the matters upon which the Firm is to be engaged as an attorney; nor does the Firm have any connection with the United States Trustee for the Western District of Texas or his employees;

(B) is not a creditor, an equity security holder, or an insider;

(C) is not and was not an investment banker for any outstanding security of the debtor;

(D) has not been within three years before the date of filing of the petition, an investment banker for a security of the debtor, or an attorney for such an investment banker in connection with the offer, sale, or issuance of a security of the debtor;

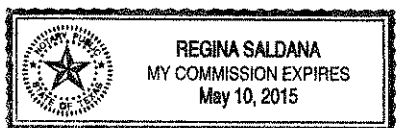
(E) has not and was not, within two years before the date of the filing of the petition a director, officer or employee of the debtor or of an investment banker specified in subparagraph (C) or (D) of this paragraph; and


(F) does not have an interest materially adverse to the interest of the estate or any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor or an investment banker specified in subparagraph (C) or (D) of this paragraph, or for any other reason.



C. Daniel Roberts

SWORN TO AND SUBSCRIBED before me by the said C. Daniel Roberts, to certify which witness my hand and seal of office on this the 22nd day of July, 2011.





Notary Public in and for
The State of Texas

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**DISCLOSURE OF COMPENSATION UNDER 11 U.S.C. § 329
AND BANKRUPTCY RULE 2016(b)**

I certify that I am the attorney for the chapter 7 trustee in the above-named case and that the compensation paid or agreed to be paid to me for services rendered, or to be rendered, on behalf of the trustee in or in connection with a case under Title 11 of the United States Code, such payment or agreement having been made after one year before the date of the filing of the petition, is as follows:


No retainer, compensation or other payment has been received by me thus far in connection with my employment by the trustee in this case.

All fees and expenses to be paid to me are subject to prior approval by the Court after notice as required by law. My firm's present hourly rates are as follows:

C. Daniel Roberts	\$375.00
Associate	\$225.00
Paralegal	\$90.00

I have not agreed to share this compensation with any other person or firm.

Dated: July 22, 2011



C. Daniel Roberts

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that on the 22nd day of July, 2011, a true and correct copy of the foregoing document was served upon the following parties via electronic means as listed on the Court's ECF noticing system or by regular first class mail, postage prepaid, and that the Notice of Employment of General Counsel, attached hereto as Exhibit "A," was sent in the same manner and on the same day to all creditors and parties-in-interest listed on the attached Creditor Matrix.

LaVista Partners, L.P.
2703 Swisher, Office Suite
Austin, Texas 78705
DEBTOR

Eric J. Taube
Mark Curtis Taylor
Hohmann, Taube & Summers, LLP
100 Congress Avenue, Suite 1800
Austin, Texas 78701
ATTORNEYS FOR DEBTOR

United States Trustee
903 San Jacinto Blvd, Room 230
Austin, Texas 78701

IN THE UNITED STATES BANKRUPTCY COURT
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IN RE:	§	
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NOTICE OF APPLICATION TO EMPLOY C. DANIEL ROBERTS & ASSOCIATES, P.C.
AS GENERAL COUNSEL NUNC PRO TUNC TO MAY 24, 2011

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Notice is hereby given that Trustee has filed an application to employ a professional in this case. If you wish to object to the employment of the professional, you must file an objection with the clerk of the court. If you do not object to employment of the professional, it is not necessary to take any action.

Name of client:	C. Daniel Roberts, Trustee	
Identity of professional:	C. Daniel Roberts C. DANIEL ROBERTS & ASSOCIATES, P.C. 1602 East Cesar Chavez Austin, Texas 78702 Telephone: (512) 494-8448 Facsimile: (512) 494-8712 Email: droberts@cdrlaw.net	
Nature of profession:	Attorney	
Conflicts:	None	
Retainer:	None	
Proposed compensation:	C. Daniel Roberts	\$375.00 per hour
	Associate	\$225.00 per hour
	Paralegal	\$ 90.00 per hour
List of other professionals in case:	None at this time.	

Dated: July 22, 2011

/s/ C. Daniel Roberts
C. Daniel Roberts, Trustee

Address for Filing Objections:
U.S. Bankruptcy Clerk
903 San Jacinto, Suite 322
Austin, Texas 78701

Copy of Objection to:
C. Daniel Roberts & Associates, P.C.
1602 East Cesar Chavez
Austin, Texas 78702

EXHIBIT A

AFCO
12160 Abrams Rd
Dallas, TX 75243-4547

Armbrust Brown
100 Congress
Suite 1300
Austin, TX 78701-2744

Asbestos Consulting
4411 Spicewood Springs Road
Austin, TX 78759-8681

Austech Roof Consultants, Inc
2312 Wester Trails Blvd
Suite 403
Austin, TX 78745-1642

Bank Direct
2 Conway Park
150 Northfield Drive
Suite 190
Lake Forrest, IL 60045

Bury Partners
221 West 6th
Suite 600
Austin, TX 78701-3411

C&CTX Concrete Pumping, Inc.
P.O. Box 2071
Kyle, TX 78640-1804

c/o Kathleen M. Patrick
Munsch Hardt Kopf & Harr, P.C.
3800 Lincoln Plaza
500 N. Akard St.
Dallas, TX 75201-3302

Cananwill, Inc.
5447 East 5th Street
#110
Tuscon, AZ 85711-2344

Capform, Inc.
1455 Halsey Way
Carrollton, TX 75007-4410

Centex Materials
817 East St. Elmo Rd.
Austin, TX 78745-1229

Centex Materials, LLC
3019 Alvin DeVane Blvd, Bldg 1, Ste 100
Austin TX 78741-7422

Centex Sash and Door
2022 Centimeter Circle
Austin, TX 78758-4956

Central Texas Refuse
9316 FM 812
Austin, TX 78719-3010

Central Texas Reinforcement, Inc.
P.O. Box 150277
Austin, TX 78715-0277

CIT Technology Financing Svcs
c/o McCarthy, Burgess & Wolff
26000 Cannon Road
Cleveland, OH 44146-1807

City of Austin Street Closure
P.O. Box 1088
Austin, TX 78767-1088

City of Austin Utilities
P.O. Box 2267
Austin, TX 78783-0001

CMC Capital City Steel
800 N. IH 35
Austin, TX 78701

Comfort Systems USA
9601 Dessau Rd.
Bldg. 3, Suite 303
Austin, TX 78754-3961

Commerce Street.com
2105 E. Division St.
Arlington, TX 76011-7817

CTA Architects
3601 S. Congress Avenue
Building B, Suite 200
Austin, TX 78704-7250

Datum Engineers
5929 Balcones Dr.
Suite 100
Austin, TX 78731-4280

Documation
1556 International Dr.
Eau Claire, WI 54701-7058

Eric J. Taube
Hohmann Taube & Summers, LLP
100 Congress Ave, Suite 1800
Austin, TX 78701-4042

Fondren Family
c/o Boone Almanza
Almanza, Blackburn & Dickie LLP
2301 S. Capita of Texas Hwy., Bldg. H
Austin, TX 78746-7700

Gene Fondren
c/o Molly Mitchell
Almanza Blackburn & Dickie
2301 S. Cap of TX Hwy, Bldg. H
Austin, TX 78746-7700

Guerrero-McDonald & Associates, Inc
P.O. Box 160518
Austin, TX 78716-0518

Harrison Pearson
4014 Medical Parkway
Suite 100
Austin, TX 78756-3703

Holt Engineering
2220 Barton Skyway
Austin, TX 78704-4702

Icon Plumbing, Heating, and Air, Ltd.
4903 Commercail Park Drive
Austin, TX 78724-2638

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Jimmy Nassour/Jim Mattox
3839 Bee Cave Road
Suite 200
Austin, TX 78746-6400

KDR Electric Services, Inc
P.O.Box 82221
Austin, TX 78708-2221

LaVista Partners, L.P.
2703 Swisher
Office Suite
Austin, TX 78705-3439

LAZ Parking, Texas LLC
101 West 6th
Suite 515
Austin, TX 78701-2934

Lewis Equipment Company, Inc.
c/o Davor Rukavina/Kate Patrick
Munsch Hardt Kopf & Harr, P.C.
3800 Lincoln Plaza, 500 N. Akard St.
Dallas, TX 75201-6659

Lewis Equipment Company, Inc.
c/o Scott M. Seidel, Trustee
No. 357 - Suite 306
6505 West Park Blvd.
Plano, TX 75093-6208

Lewis Equipment Company, L.P.
1400 West Shady Grove
Grand Prairie, TX 75050-7117

Liquid Waste Solutions
11512 Via Grande Dr.
Austin, TX 78739-1922

Mark Curtis Taylor
Hohmann, Taube & Summers, LLP
100 Congress Ave, Suite 1800
Austin, TX 78701-4042

Mary Guerrero-McDonald
PO Box 160518
Austin, TX 78716-0518

Mechanical Technical Services, Inc. (MTECH)
c/o Calley D. Callahan
7600 N. Capital of Texas Hwy
Suite B-110
Austin, Texas 78731-1136

Milestone Metals
113 West Lorino
Houston, TX 77037-1515

Modspace
16200 Central Commerce Dr.
Pflugerville, TX 78660-2032

Morales and Associates, Inc.
2705 Bee Cave Road
#230
Austin, TX 78746-5684

Movecorp
9230 Neils Thompson Drive #102
Austin, TX 78758-7523

N-Line Traffic Maintencance, LLC
PO Box 4750
Bryan, TX 77805-4750

National Construction Rentals
116 Nell Deane
Schertz, TX 78154-1500

Nelda Wells Spears, Tax Collector
P.O. Box 149328
Austin, TX 78714-9328

Nline
9519 U.S. Hwy 290 East
Austin, TX 78724-2315

Pat Laffey, CPA
603 Davis
#1503
Austin, TX 78701-4207

Patriot Erectors, Inc.
c/o The Gardner Law Firm
Thomas J. Walthall
745 East Mulberry Avenue, Suite 500
San Antonio, Texas 78212-3154

Patriot Erectors, Inc.
c/o Thomas J. Walthall, Jr.
The Gardner Law Firm P.C.
745 E. Mulberry, Suite 500
San Antonio, Texas 78212-3154

Precept Builders, Inc.
1909 Woodall Rogers Freeway
Suite 300
Dallas, TX 75201-2255

Precept Builders, Inc.
c/o Anthony P. Jach
Griffith Nixon Davison, P.C.
Two Lincoln Centre, 5420 LBJ Frwy.,
Suite 900, Dallas, Texas 75240

Precept Commercial, LLC
1909 Woodall Rogers Freeway
Suite 300
Dallas, TX 75201-2255

Precept Commercial, LLC
c/o Anthony P. Jach
Griffith Nixon Davison, P.C.
Two Lincoln Centre, 5420 LBJ Frwy,
Suite 900, Dallas, Texas 75240

Recon Services
P.O. Box 869
Dripping Springs, TX 78620-0869

Rock Island Rigging, Inc.
c/o Davor Rukavina/Kate Patrick
Munsch Hardt Kopf & Harr, P.C.
3800 Lincoln Plaza, 500 N. Akard St.
Dallas, TX 75201-6659

Rock Island Rigging, Inc.
c/o Scott M. Seidel, Chapter 7 Trustee
No. 357 - Suite 306
6505 West Park Blvd.
Plano, TX 75093-6208

Rock Island Rigging, LLC
1400 West Shady Grove
Grand Prairie, TX 75050-7117

Service Life & Casualty Company
c/o Molly Mitchell
Almanza, Blackburn & Dickie, LLP
2301 S. Capital of Texas Hwy., Bldg. H
Austin, Texas 78746-7700

Service Life & Casualty Ins. Co.
c/o Hightower & Assoc.
3006 Bee Cave Rd
Pallisades Suite D-200
Austin, TX 78746-5588

Service Life & Casualty Insurance Company
c/o Marvin E. Sprouse III
Jackson Walker LLP
100 Congress Avenue, Suite 1100
Austin, Texas 78701-4042

Sneed Vine & Perry
901 Congress Avenue
Austin, TX 78701-2421

Stuart Allan & Associates
5447 East 5th Street, Suite 110
Tucson, AZ 85711-2345

The Sutton Company
2703 Swisher
Office Suite
Austin, TX 78705-3439

Time Warner Cable
P.O.Box 66097
Dallas, TX 75266

Tippen Fabrication and Erection, Inc
100 East Lawrence Street
Boyd, TX 76023-3034

Travis County
c/o Karon Y. Wright
P.O. Box 1748
Austin, Texas 78767-1748

Waterfilled Barriers, Inc.
P.O.Box 13
Paige, TX 78659-0013

William Gammon Insurance
1615 Guadalupe Street
Austin, TX 78701-1299